IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.564 OF 2007
WITH
CIVIL APPLICATION NO.504 OF 2007
IN
SECOND APPEAL NO.564 OF 2007

M/s.Advance Industrial Services,
A proprietory firm .. Appellant.
Vs.
M/s.Sunako Enterprises,
A proprietory firm .. Respondent.

Mr.P.B.Shah for the appellant.

CORAM : D.B.BHOSALE, JJ.
DATED : 7TH AUGUST, 2007.

P.C.:

. Heard learned counsel for the appellant/applicant.

2. The defendant has filed this appeal challenging concurrent findings of fact recorded by the courts below by which a suit filed by the respondent-plaintiff for recovery of the amount paid by him towards the goods which defendant was to supply to the plaintiff. The plaintiff contended that they never received the goods. The defendant could not prove that the goods were supplied to the plaintiff. Mr.Shah, learned counsel for the appellant submitted that the courts below have not appreciated the documentary evidence produced on record in proper prespective and the findings on the point as to whether

goods were supplied or not are perse perverse. I perused the judgments of both the courts below and more particularly paragraph 11 in the judgment of the appellate court wherein the appellate court has considered the entire evidence on record and has recorded a categoric findings that the defendant has failed to prove that he delivered the goods as per the oral agreement. Considering the findings of fact recorded by the courts below and as I find sufficient material on record to sustain those finding and considering that no substantial question of law is raised, the second appeal is dismissed. Consequently, civil application is also disposed of.

(D.B.BHOSALE, J.)